

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOE L. GARRISON,	§	
#02097855,	§	
PETITIONER,	§	
	§	
v.	§	CIVIL CASE No. 3:24-CV-816-E-BK
	§	
DIRECTOR, TEXAS DEPARTMENT OF	§	
CRIMINAL JUSTICE, CORRECTIONAL	§	
INSTITUTIONS DIVISION DIV.,	§	
RESPONDENT.	§	

AMENDED ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

On May 23, 2024, the United States Magistrate Judge made findings, conclusions, and a recommendation. Doc. 8. On June 17, 2024, Petitioner filed a *pro se* objection. Doc. 11. Like his other pleadings, Petitioner's objection is difficult to decipher. Doc. 11.

By order filed June 7, 2024, the Court accepted the Findings, Conclusions and Recommendation of the United States Magistrate Judge, not having seen Petitioner's objection, and entered Judgment dismissing his construed petition for writ of habeas corpus for failure to comply with a court order and for lack prosecution. Doc. 9; Doc. 10.

It is unclear when Petitioner placed the objection in the prison mailbox. The objection and the envelope state "copyed [sic] 6-5-24." Doc. 11 at 1-2. But the envelope was postmarked on June 11, 2024, six days later. Doc. 11 at 11. In any event, the Court considers the objection if it was timely deposited in the prison mailbox.

Liberalley construed, the objection reiterates Petitioner's claims of actual innocence and his diminished mental capacity as a "MHMR" (mental health mental retardation) patient. But he has yet to file a proper habeas corpus petition on the 28 U.S.C. § 2254 form. During the past

few months, Petitioner has had at least three other opportunities to file a § 2254 on the proper form and, so far, he has failed to do so. *See* Case Nos. 3:24-cv-891-K-BN, 3:24-cv-890-B-BN, 3:24-cv-868-B-BN (awaiting Petitioner's response to deficiency orders).

The Court has reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. The objection is **OVERRULED**. So the judgment remains undisturbed.

SO ORDERED this 24th day of June, 2024.

A handwritten signature in black ink, appearing to read 'Ada E. Brown', is written over a horizontal line.

Ada E. Brown

UNITED STATES DISTRICT JUDGE